205975US-2

## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF        :

TAKEHISA YAMAGUCHI, ET AL.   : EXAMINER: NGUYEN, H.

SERIAL NO: 09/832,892       :

FILED: APRIL 12, 2001        : GROUP ART UNIT: 2871

FOR:   LIQUID CRYSTAL DISPLAY   :
       AND MANUFACTURING
       METHOD THEREFOR

### RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the communication dated February 25, 2003, and further in response to

the Election /Restriction Requirement contained therein. Applicants herein provisionally

elect Group I, Claims 1-10 indicated in the communication as drawn to a liquid crystal

display with TFT having two drain electrodes in response to the Restriction portion of this

communication and the Species of Figs 1-5c in response to the Election of Species portion of

this communication. Applicants further list Claims 1-5 of Group I as reading on the elected

species

Applicants further respectfully traverse both of these Requirements for the reason that

an Action was mailed on October 8, 2002, that purported to properly search and fully

examine all of Claims 1-13 as to the rejection of Claims 1-3, 5-10, 12, and 13 as being

anticipated under 35 U.S.C. § 102(b) by Takashi, the rejection of Claim 11 under 35 U.S.C. §

102(e) as being anticipated by Kim, and the rejection of Claim 4 under 35 U.S.C. § 103(a) as

being unpatentable over Takashi. Thus, as 37 CFR §1.104 assures that a complete search and

examination has already been performed as to the subject matter of all of Claims 1-13, there can be no MPEP §803 required demonstration of a "serious burden" and the examiner must continue the examination on the merits as to all of Claims 1-13. See MPEP §803 as follows:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.
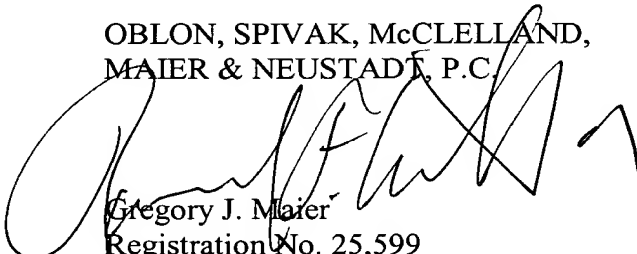
Further note that MPEP §811 states that:

> Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serous burden if restriction is not required.

As it is clear that the Requirements have been made even though there can be no serious burden as to the examination of all of Claims 1-13 together, withdrawal of the both Requirements and an examination of all of Claims 1-13 together is respectfully urged to be in order.

Respectfully submitted,

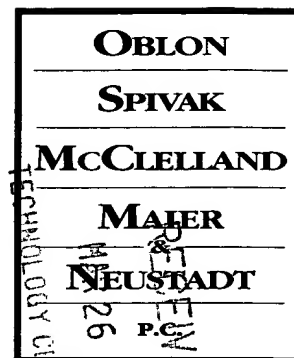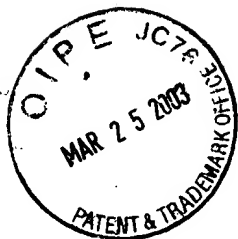OBLON, SPIVAK, McCLELLAND,
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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Group Art Unit: 2871
Serial No.: 09/832,892
Filed: APRIL 12, 2001
Applicant: TAKEHISA YAMAGUCHI, ET AL.
For: LIQUID CRYSTAL DISPLAY AND
MANUFACTURING METHOD THEREFOR

Attached hereto for filing are the following papers:

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Our check in the amount of **$ - 0 -** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

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